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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/009,721

03/04/2002

Wolfgang Pusch

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10/27/2006

BAKER & BOTTS

30 ROCKEFELLER PLAZA

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NEW YORK, NY 10112-4498

EXAMINER

TAYLOR, BARRY W

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 10/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center"><b>Office Action Summary</b></p>	<b>Application No.</b> 10/009,721	<b>Applicant(s)</b> PUSCH ET AL.	
	<b>Examiner</b> Barry W. Taylor	<b>Art Unit</b> 2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 and 11-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-9 and 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Kuwahara (6,070,079).

Regarding claim 1. Kuwahara teaches a method for detecting the direction of movement of a mobile data memory along a movement path (title, abstract), comprising detecting the data signals of a mobile data memory by an antenna array (101 figure 1) comprising at least two different antennas arranged along the movement path (see two antenna arrays 101-1 and 101-M figure 1), each antenna having a fixed reception lobe (see figure 1 wherein fixed antenna arrays (102-1 and 102-M) are shown), comparing the changes in the field strength of the data signals at the receiving locations and defining therefrom an indicator for the direction of movement of a mobile data memory in a adaptive receiver device (title, abstract, col. 2 line 2 – co. 3 line 58, see figure 1 wherein received signal strengths are received and compared to produce an output which is then sent to a mobile data unit PT via antenna 107 thereby allowing PT device

to display its location on a screen) which is designed as a transceiver for bi-directional exchange of the data signals with the mobile device.

Regarding claim 2. Kuwahara teaches indicator defined from the received signal strengths (title, abstract, col. 2 line 2 – co. 3 line 58).

Regarding claims 3-4. Kuwahara teaches weighting factors used (figure 1, col. 9 lines 58-62).

Regarding claim 5. Kuwahara teaches indicator defined by comparing the received signal strengths (title, abstract, col. 2 line 2 – co. 3 line 58).

Regarding claims 6-8. Kuwahara teaches decoding the received signals so location of mobile data unit can be determined (title, abstract, figure 1, col. 2 line 2 – co. 3 line 58).

Regarding claim 9. Kuwahara teaches device for carrying out the method comprising an adaptive receiver having at least two antennas for the reception of data signals which are disposed along a movement path of a mobile data memory (see 101-1 and 101-M in figure 1), and an evaluation unit (104 figure 1) connected to the array antennas and which defines an indicator for the direction of movement of a mobile data memory from the data signals and further comprising a transceiver for two-way exchange of data signals with mobile data memories and which contains the adaptive receiver device (title, abstract, figure 1, col. 2 line 2 – co. 3 line 58).

Regarding claim 11. Kuwahara teaches the antenna radiation diagrams aligned and focused along the movement path of mobile data memories (title, abstract, figure 1, col. 2 line 2 – co. 3 line 58).

Regarding claim 12. Kuwahara teaches overlap region is kept small as possible (title, abstract, figure 1, col. 2 line 2 – co. 3 line 58).

Regarding claims 13-14. Kuwahara teaches the transmitter (107 figure 1) used to send location indicator to mobile data memory device (PT figure 1) so the mobile device can know its position on display. The Examiner notes that Kuwahara also notes emergency car guiding services (column 1) which are known to provide information from mobile data memory to emergency call center (i.e. air bag deployed, etc).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-9 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cai et al (5,592,181 hereinafter Cai) in view of Bartholomew (5,818,385).

Regarding claim 1. Cai teaches a method for detecting the direction of movement of a mobile data memory (40) along a movement path, comprising detecting data signals of a mobile data memory by an antenna array comprising at least two different antennas arranged along the movement path (see antenna array #1 with receiver 80 and antenna array #2 with receiver 90), each antenna having a fixed reception lobe (see figure 2 antenna array #1 having fixed reception lobes defined by 60A – 60N and antenna array #2 having fixed reception lobes defined by 70A – 70N, col. 3 line 53 – col. 4 line 36), comparing changes of the data signal at the receiving locations (see elements 120 and/or 130, figures 1-2, col. 1 lines 34-62, col. 2 lines 6-9, col. 2 line 45 – col. 3 line 52, col. 5 lines 8-53, col. 7 lines 46-52).

According to Applicants newly amended claim language and arguments, Cai does not show comparing field strength to define an indicator therefrom (see amendments to independent claim 1, paper dated 5/30/06, and applicants arguments on page 7, middle paragraph).

Bartholomew also teaches an array antenna (title, abstract, col. 2 line 34 – col. 4 line 51) to find location of mobile units. Bartholomew discloses using signal strength, and/or signal-to-noise ratios and makes comparison to flag (i.e. indicator) location of mobile unit (col. 51 line 35 – col. 52 line 13).

It would have been obvious for any one of ordinary skill in the art at the time of invention to provide Cai with a flag so that the exact location of mobile can be determined.

Regarding claim 2. Bartholomew shows flag (i.e. indicator) defined by comparing signal strengths (col. 51 line 35 – col. 52 line 13).

Regarding claims 3-4. Cai teaches weighting factors used (Y1, Y2 figure 2, col. 2 line 45 – col. 3 line 53).

Regarding claim 5. Bartholomew teaches flag (i.e. indicator) defined by comparing the received signals (col. 51 line 35 – col. 52 line 13).

Regarding claims 6-8. Cai teaches decoding the received signals (title, abstract, 50 figure 2).

Regarding device claim 9. Cai teaches device (50 figure 2), having at least two antennas (60,70) disposed along a movement path and an evaluation unit (120,130) connected to antennas, and a transmitter (50 includes TX/RX) for two-way exchange of information.

Regarding claim 11. Cai teaches antenna radiation diagrams aligned and focused along the movement path of mobile data memories (col. 5 lines 8-53).

Regarding claim 12. Cai teaches overlap region is kept small as possible (co. 5 lines 8-53).

3. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cai et al (5,592,181 hereinafter Cai) in view of Bartholomew (5,818,385) further in view of Barbiaux et al (4,804,937 hereinafter Barbiaux).

Regarding claims 13-14. Cai in view of Bartholomew do not show a mobile data memory attached to mobile goods, whereby the data characterizing the respective goods are stored in the mobile data memory.

Barbiaux teaches vehicle monitoring arrangement and system (title, abstract) wherein mobile data memory used to log driving time, trip time and stopping time, record fuel efficiency on a trip by trip basis, engine temperature, etc (col. 1 lines 10-40) allowing for maintenance persons to read the logged information, as well as, allowing businesses the ability to track deliveries made by wireless units.

It would have been obvious for any one of ordinary skill in the art at the time of invention to utilize the teachings of Barbiaux into the teachings of Cai in view of Bartholomew in order to optimize driver efficiency and performance and to track deliveries made by wireless units as disclosed by Barbiaux.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor, telephone number (571) 272-7509, who is available Monday-Thursday, 6:30am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost, can be reached at (571) 272-7872. The central facsimile phone number for this group is **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (571) 272-2600, the 2600 Customer Service telephone number is (571) 272-2600.



Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Centralized Delivery Policy:** For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the central fax number (571-273-8300).

Barry W. Taylor  
Art Unit 2617

  
BARRY TAYLOR  
PRIMARY EXAMINER